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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK (BROOKLYN)

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIE GARCON,

Defendant.

Case No. 1:21-cr-00219-RPK-  
PK-1

Brooklyn, New York  
August 25, 2022  
10:06 a.m.

TRANSCRIPT OF ALLOCUTION AND CHANGE OF PLEA HEARING  
BEFORE THE HONORABLE PEGGY KUO  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff:

Laura A. Zuckerwise, Esq.  
Frank Turner Buford, Esq.  
U.S. Attorney's Office  
271 Cadman Plaza East  
Brooklyn, NY 11201

For the Defendant:

Kelley J. Sharkey, Esq.  
Attorney at Law  
26 Court Street  
Suite 2805  
Brooklyn, NY 11242

Clerk:

Ryan O'Neil-Berven

Court Recorder:

Electronic Sound Recording

Transcription Service:

Chris Hwang  
Abba Reporting  
PO Box 223282  
Chantilly, Virginia 20153  
(518) 302-6772

Proceedings recorded by electronic sound recording;  
transcript produced by transcription service.

INDEXEXHIBITSOFFEREDRECD

Government's 1

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1 (Call to order at 10:06 a.m.)

2 THE CLERK: This is criminal cause for plea hearing  
3 docket 21-CR-219, United States v. Will Garcon, Magistrate Judge  
4 Peggy Kuo presiding.

5 Will the parties please state their appearances,  
6 beginning with the Government?

7 MS. ZUCKERWISE: Good morning, Your Honor. Laura  
8 Zuckerwise and Turner Buford for the Government.

9 MR. BUFORD: Good morning, Your Honor.

10 THE COURT: Good morning.

11 MS. SHARKEY: Good morning, Your Honor, Kelley Sharkey  
12 for Willie Garcon.

13 THE COURT: All right.

14 THE DEFENDANT: Good morning, Your Honor, Willie  
15 Garcon.

16 THE COURT: Good morning. Please be seated. All  
17 right, before we get started, are there any issues that either  
18 party needs to bring up?

19 MS. ZUCKERWISE: No.

20 MS. SHARKEY: No, Your Honor.

21 THE COURT: All right. So, good morning, Mr. Garcon.  
22 I want to start by letting you know that you have a right to  
23 have your guilty plea heard by a district judge in this case.  
24 It would be Judge Rachel Kovner. She's also the judge who would  
25 sentence you.

1           Instead of having Judge Kovner handle the plea today,  
2           you could waive that right and have a magistrate judge handle  
3           it. That's me.

4           It doesn't matter to me and Judge Kovner who you  
5           decide you would like to have handle your plea. It's completely  
6           up to you.

7           Would you like me to handle it or would you like Judge  
8           Kovner?

9           THE DEFENDANT: Yes, Your Honor.

10          THE COURT: Yes, you would like me to handle it?

11          THE DEFENDANT: Yes.

12          THE COURT: Okay, that's fine. And I see here, Ms.  
13          Sharkey, that there is a signed consent to have a magistrate  
14          judge take the plea?

15          MS. SHARKEY: Yes, Your Honor.

16          THE COURT: Ms. Zuckerwise, it looks like you signed  
17          this as well?

18          MS. ZUCKERWISE: Yes, Your Honor.

19          THE COURT: Okay. Good, so now let's proceed. Mr.  
20          Garcon, your lawyer informs me that you wish to enter a plea  
21          today --

22          THE DEFENDANT: Oh, yeah.

23          THE COURT: -- pursuant to an agreement with the  
24          Government.

25          A plea is a serious decision and I need to make sure

1 that you understand the rights that you'll be giving up and the  
2 potential consequences of your plea before you make this  
3 important decision.

4 I'm going to ask you some questions. I'd like your  
5 answers to be under oath. So if you could still -- please stand  
6 and raise your right hand?

7 (The Defendant is sworn.)

8 THE CLERK: Thank you.

9 THE COURT: All right, thank you. Mr. Garcon, now  
10 that you have sworn to tell the truth, you must tell the truth.  
11 If you were to deliberately lie in response to any of my  
12 questions, you could face additional criminal prosecution for  
13 perjury and making a false statement.

14 At any such prosecution, the statements you make can  
15 be used against you. Do you understand?

16 THE DEFENDANT: Yes.

17 THE COURT: If I say anything today that you want me  
18 to repeat or explain or if you want a moment to talk to your  
19 lawyer, please let me know.

20 It's important that you understand everything we're  
21 doing today, okay?

22 THE DEFENDANT: Yes.

23 THE COURT: Let's start with the -- some preliminary  
24 questions. Can you state your full name, please?

25 THE DEFENDANT: Willie Garcon.

1 THE COURT: How old are you?

2 THE DEFENDANT: I'm 52.

3 THE COURT: Okay, and how far did you go in school?

4 THE DEFENDANT: College graduate.

5 THE COURT: Okay. Have you had any problems  
6 communicating with Ms. Sharkey?

7 THE DEFENDANT: No.

8 THE COURT: Are you now or have you recently been  
9 under the care of a doctor or psychiatrist for any reason?

10 THE DEFENDANT: No.

11 THE COURT: Are you taking any medications?

12 THE DEFENDANT: Just medicine.

13 THE COURT: Okay, and is that affecting your ability  
14 to understand what's happening today?

15 THE DEFENDANT: No.

16 THE COURT: Have you had any alcohol or taken any  
17 drugs in the last 24 hours?

18 THE DEFENDANT: No.

19 THE COURT: As you sit here today, is your mind clear?

20 THE DEFENDANT: Yes.

21 THE COURT: All right, so Ms. Sharkey, have you had  
22 any problems communicating with Mr. Garcon?

23 MS. SHARKEY: I have not, Your Honor.

24 THE COURT: In your view, is he capable of  
25 understanding the nature of the charge?

1 MS. SHARKEY: He is.

2 THE COURT: Did you discuss the charge with him and  
3 what it means to plead guilty?

4 MS. SHARKEY: I have.

5 THE COURT: In your view, does he understand the  
6 rights that he'll be waiving by pleading guilty?

7 MS. SHARKEY: He does.

8 THE COURT: Do you have any concern or doubt about his  
9 competence to plead here today?

10 MS. SHARKEY: I do not.

11 THE COURT: Have you advised him of the maximum  
12 sentence and fine that can be imposed as a result of his plea?

13 MS. SHARKEY: I have.

14 THE COURT: And have you discussed with him how the  
15 Sentencing Guidelines operate?

16 MS. SHARKEY: Yes.

17 THE COURT: All right. Thank you.

18 Mr. Garcon, have you had enough time to talk to your  
19 lawyer about your case?

20 THE DEFENDANT: Yes.

21 THE COURT: And are you satisfied with the assistance  
22 that Ms. Sharkey has provided?

23 THE DEFENDANT: Yes.

24 THE COURT: Did you receive a copy of the indictment  
25 in this case?

1 THE DEFENDANT: Yes.

2 THE COURT: And did you discuss the charge in the  
3 indictment with your lawyer?

4 THE DEFENDANT: Yes.

5 THE COURT: As I understand it, you're seeking today  
6 to plead guilty to Count 1 of the indictment. And that is a  
7 charge of Access Device Fraud.

8 The indictment charges that in or about in between  
9 August 2019 and May 2020, within the Eastern District of New  
10 York and elsewhere, you did knowingly and with intent to defraud  
11 affect transactions with one or more access devices, that is,  
12 credit and debit cards.

13 And these are issued to another person or persons in a  
14 manner affecting interstate commerce and by such conduct did  
15 receive payment and one or more things of value aggregating  
16 \$1,000 or more during a one-year period.

17 Do you understand that's what you were charged with  
18 and what you'll be pleading guilty to today?

19 THE DEFENDANT: Yes.

20 THE COURT: All right. So let's turn now to your  
21 rights. By pleading guilty, you'll be giving up some very  
22 valuable rights. And I want to make sure you understand them  
23 before you make your decision.

24 You have a right under the Constitution and laws of  
25 the United States to a speedy and public trial before a jury.



1 Do you understand?

2 THE DEFENDANT: Yes.

3 THE COURT: You have the right to the assistance of an  
4 attorney for your defense at any trial and at all stages of the  
5 proceedings.

6 If you could not afford an attorney, the Court would  
7 appoint someone for you. Do you understand?

8 THE DEFENDANT: Yes.

9 THE COURT: You have the right to plead not guilty and  
10 to persist in that plea. Do you understand?

11 THE DEFENDANT: Yes.

12 THE COURT: At trial, you would be presumed innocent.  
13 You would not have to prove anything, including your innocence.

14 The burden is with the Government to present proof  
15 that convinces a jury beyond a reasonable doubt that you're  
16 guilty.

17 If the Government fails to meet this burden of proof,  
18 the jury would have to find you not guilty.

19 Any verdict by the jury, whether guilty or not guilty,  
20 would have to be unanimous, which means that all 12 members of  
21 the jury would have to agree. Do you understand?

22 THE DEFENDANT: Yes.

23 THE COURT: At trial, witnesses for the Government  
24 would have to come to court and testify in your presence. Your  
25 lawyer could cross-examine these witnesses and raise legal

1 objections to the Government's evidence. She could offer  
2 evidence on your behalf that might help you in your case.

3 If you thought there were witnesses out there who  
4 could help you, but who did not want to come to Court and  
5 testify, your lawyer could ask the Court to make those witnesses  
6 come to Court and testify in your defense. Do you understand?

7 THE DEFENDANT: Yes.

8 THE COURT: At trial, you would have the right to  
9 testify on your own on behalf, but you -- if you wanted to, but  
10 you could not be forced to.

11 This is because under the Constitution and laws of the  
12 United States, nobody can be compelled to be a witness against  
13 himself.

14 So if you wanted to go to trial, but chose not to  
15 testify, the judge would instruct the jury that they could not  
16 hold that against you. Do you understand?

17 THE DEFENDANT: Yes.

18 THE COURT: If instead of going to trial, you plead  
19 guilty to the crime charged, and if your guilty plea is  
20 accepted, you'll be giving up your right to a trial and all the  
21 other rights I have just described.

22 There will be no trial in this case. You will stand  
23 convicted of the crime to which you're pleading guilty just as  
24 if a jury found you guilty. Do you understand?

25 THE DEFENDANT: Yes.

1 THE COURT: If you do plead guilty, I will have to ask  
2 you certain questions about what you did in order to satisfy  
3 myself that you are in fact guilty of the charge.

4 You will have to answer my questions and acknowledge  
5 your guilt. This means that you will be giving up your right  
6 not to incriminate yourself. Do you understand?

7 THE DEFENDANT: Yes.

8 THE COURT: Are you willing to give up your right to a  
9 trial and all the other rights I've just described?

10 THE DEFENDANT: Yes.

11 THE COURT: All right, thank you. So I will turn now  
12 to the written agreement that you entered into with the  
13 Government. Going to have this agreement marked as Government's  
14 Exhibit 1 and ask you to take a look at it.

15 (Government's Exhibit 1 marked into evidence)

16 MS. ZUCKERWISE: We -- I have a copy of this. Okay.

17 THE COURT: So, Mr. Garcon, have you seen that  
18 document before?

19 THE DEFENDANT: Yes.

20 THE COURT: Did you have a chance to read it?

21 THE DEFENDANT: Yes.

22 THE COURT: And did you have a chance to talk to Ms.  
23 Sharkey about it?

24 THE DEFENDANT: Yes.

25 THE COURT: Do you understand what it says?

1 THE DEFENDANT: Yes.

2 THE COURT: If you look at the last page, can you tell  
3 me if that is your signature?

4 THE DEFENDANT: Yes.

5 THE COURT: By signing the agreement, do you agree to  
6 be bound by all the terms of the agreement?

7 THE DEFENDANT: Yes.

8 THE COURT: Does the agreement contain all the  
9 promises made between the Government and you in exchange for  
10 your plea of guilty?

11 THE DEFENDANT: Yes.

12 THE COURT: Has anyone made any other promise that is  
13 causing you to plead guilty other than the promises in that  
14 agreement?

15 THE DEFENDANT: No.

16 THE COURT: And has anybody made any promise to you as  
17 to what your sentence will be?

18 THE DEFENDANT: No.

19 THE COURT: All right, thank you.

20 Ms. Sharkey, did you discuss the agreement with Mr.  
21 Garcon?

22 MS. SHARKEY: More than once, Your Honor.

23 THE COURT: Okay, and do you believe he fully  
24 understands the terms of the agreement?

25 MS. SHARKEY: I do.

1 THE COURT: Did you sign it?

2 MS. SHARKEY: Yes.

3 THE COURT: Did Mr. Garcon sign it in your presence?

4 MS. SHARKEY: Yes.

5 THE COURT: Does the agreement contain all the  
6 promises made between the Government and Mr. Garcon in exchange  
7 for his plea of guilty?

8 MS. SHARKEY: Yes.

9 THE COURT: All right, thank you.

10 And Ms. Zuckerwise, did you sign the agreement?

11 MS. ZUCKERWISE: Yes, Your Honor.

12 THE COURT: Did your supervisor sign it?

13 MS. ZUCKERWISE: Yes, Your Honor.

14 THE COURT: Does the agreement contain all the  
15 promises made between the Government and the Defendant in  
16 exchange for his plea of guilty?

17 MS. ZUCKERWISE: It does, Your Honor.

18 THE COURT: All right, thank you.

19 Mr. Garcon, I'm going to turn now the consequences of  
20 pleading guilty to the charge of Access Device Fraud. This  
21 charge, which is a violation of 18 United States Code  
22 §1029(a)(5), carries the following potential penalties.

23 There's no minimum term of imprisonment. There's a 15  
24 max -- 15-year maximum term of imprisonment.

25 In federal prison, there used to be a system called

1 parole, which meant that if you -- that you could be sentenced  
2 to some amount of time in prison, but it was possible that you  
3 would be released early depending on the decision of a parole  
4 board.

5 Even though parole still exists in some states, it  
6 doesn't exist anymore in the federal system. This means that if  
7 you are sentenced to prison, you will not be released on parole.  
8 Do you understand the maximum -- the potential consequences in  
9 terms of prison time for you?

10 THE DEFENDANT: Yes.

11 THE COURT: Following any prison term, a maximum term  
12 of three years of Supervised Release could be imposed.

13 Under Supervised Release, you will be free. However,  
14 you must abide by certain restrictions and requirements and you  
15 will have to report to and be supervised by the Probation  
16 Department.

17 If you violate any of the terms of Supervised Release  
18 such as committing another crime, testing positive for drugs, or  
19 any other condition that is imposed, you could receive an  
20 additional term of incarceration of up to two years without  
21 credit for time served in prison or on post-release supervision.  
22 Do you understand?

23 THE DEFENDANT: Yes.

24 THE COURT: You may also be subject to a monetary fine  
25 in this case a maximum fine of the greater of \$250,000 or twice

1 the gross gain or twice the gross loss, depending on your  
2 ability to pay.

3 Restitution is mandatory in the full amount of each  
4 victim's losses. And this is something that the Court will  
5 determine.

6 There is a special assessment of \$100. This is a  
7 condition of your sentence that must be imposed.

8 In addition, you are required to forfeit any property  
9 involved with the offense and any property traceable to that  
10 property. In the agreement with the Government, you agreed to  
11 the entry of a forfeiture money judgment in the amount of  
12 \$6,489.

13 And this must be paid at least 30 days before your  
14 sentencing. Do you understand?

15 THE DEFENDANT: Yes.

16 THE COURT: In addition, if you are not a citizen of  
17 the United States, another consequence of pleading guilty may be  
18 that you're deported from the country and will be forbidden from  
19 re-entering the country without the permission of the Attorney  
20 General or some other authority. And you could be denied  
21 citizenship.

22 Removal on other immigration consequences will be the  
23 subject of a separate proceeding. No one, including your lawyer  
24 or the Court, can predict with certainty the effect of your  
25 conviction on your immigration status.

1 But if you're not a citizen, you should presume or you  
2 should assume that you will be deported following conviction by  
3 trial or guilty plea.

4 Do you understand that there may be immigration  
5 consequences to your guilty plea if you're not a citizen?

6 THE DEFENDANT: Yes.

7 THE COURT: All right. Do you understand all the  
8 consequences of pleading guilty that I've just described to you?

9 THE DEFENDANT: Yes.

10 THE COURT: Let's turn now to sentencing. If you do  
11 plead guilty, District Judge Rachel Kovner will sentence you.  
12 I'll briefly review how Judge Kovner will determine your  
13 sentence when the time comes.

14 Did you have a chance to talk to Ms. Sharkey about  
15 sentencing?

16 THE DEFENDANT: Yes.

17 THE COURT: Ms. Sharkey, did you discuss with Mr.  
18 Garcon how Judge Kovner will likely use the statutory penalties,  
19 the Sentencing Guidelines, and the 3553 factors to arrive at an  
20 appropriate sentence?

21 MS. SHARKEY: Yes.

22 THE COURT: In your view, does Mr. Garcon understand  
23 the process that Judge Kovner will use to arrive at a sentence?

24 MS. SHARKEY: Yes.

25 THE COURT: All right. Thank you.



1 MS. SHARKEY: Thank you.

2 THE COURT: Mr. Garcon, the crime to which you're  
3 pleading guilty carries the potential consequences I've  
4 described a moment ago.

5 To determine what your sentence actually will be,  
6 Judge Kovner must consider something called the Sentencing  
7 Guidelines.

8 They are just that. They are a guide to help the  
9 Court determine whether there should be a prison term and if so  
10 for how long, whether Supervised Release should be imposed, and  
11 whether there should be a fine. The Guidelines are not  
12 mandatory, but the Court is required to consider them.

13 Ms. Zuckerwise, can you state on the record what the  
14 Government estimates to be the range of the sentence under the  
15 Sentencing Guidelines?

16 MS. ZUCKERWISE: Yes, Your Honor. The Government  
17 estimates the range to be zero to six months.

18 THE COURT: Okay.

19 And Ms. Sharkey, is there any disagreement with that  
20 estimate that you want to put on the record?

21 MS. SHARKEY: No, Judge.

22 THE COURT: Thank you.

23 Mr. Garcon, I want to emphasize that what the  
24 Government just described is an estimate based on what the  
25 Government knows today.

1           Even if you're sentenced to something different from  
2           what the Government has estimated the Sentencing Guideline range  
3           will be, you will not allowed to withdraw your plea of guilty.  
4           Do you understand?

5           THE DEFENDANT: Yes.

6           THE COURT: The Government's estimate is also not  
7           binding on Judge Kovner. Judge Kovner will do her own  
8           Sentencing Guideline calculation. And that is the calculation  
9           that will be used at sentencing.

10          The Sentencing Guidelines themselves allow a judge in  
11          some circumstances to depart upward or downward from the  
12          advisory Guideline range.

13          In addition, the law also requires the judge to  
14          consider another set of factors, which include the seriousness  
15          of the crime you committed, your history and background, the  
16          need for punishment, and the need to deter you and others from  
17          committing crimes. These are called the 3553 factors.

18          After taking all these things into consideration,  
19          Judge Kovner may sentence you to something higher or lower than  
20          the range called for by the advisory Sentencing Guidelines. Do  
21          you understand?

22          THE DEFENDANT: Yes.

23          THE COURT: The important thing for you to know at  
24          this point is that until you are sentenced, no one can tell you  
25          exactly what your sentence will be, not your lawyer, not the

1 Government, not me, and not Judge Kovner. Do you understand?

2 THE DEFENDANT: Yes.

3 THE COURT: Okay. To help calculate the Guideline  
4 applicable to your case and evaluate the 3553 factors, Judge  
5 Kovner will get a Pre-Sentence Report from Probation. The  
6 report will be about you, your history and background, the  
7 charge, and other relevant matters.

8 The Probation Department will do its own Guideline  
9 calculation. And will also recommend a sentence that it  
10 believes is appropriate.

11 You and your lawyer, as well as the Government, will  
12 have an opportunity to see the report and Probation's Guideline  
13 calculations, and to challenge it in any way. Do you  
14 understand?

15 THE DEFENDANT: Yes.

16 THE COURT: Judge Kovner will then hold a sentencing  
17 hearing. Your lawyer and the Government may provide -- present  
18 arguments, witnesses, and evidence on any sentencing issue.

19 You may bring family and friends to Court to support  
20 you. You will also have a chance to tell Judge Kovner anything  
21 you want before she sentences you. Do you understand?

22 THE DEFENDANT: Yes.

23 THE COURT: Judge Kovner will use the Pre-Sentence  
24 Report and all the other information, recommendations, and  
25 arguments that she receives, so she can calculate and consider

1 the applicable Guideline range, weigh the 3553 factors, and  
2 determine your sentence, do you understand?

3 THE DEFENDANT: Yes.

4 THE COURT: Under some circumstances, you or the  
5 Government may have the right to appeal any sentence imposed on  
6 you.

7 You may also appeal your conviction, if you believe  
8 that your guilty plea today was somehow unlawful or involuntary  
9 and there was -- or if there was some other fundamental defect  
10 in these proceedings.

11 There are also other ways for you to collaterally  
12 challenge your sentence or conviction by filing a petition with  
13 the Court. Do you understand?

14 THE DEFENDANT: Yes.

15 THE COURT: In the agreement that you signed with the  
16 Government, however, you agreed that you will not file an appeal  
17 or otherwise challenge your conviction or sentence, so long as  
18 the Court imposes a term of imprisonment of six months or less.

19 Do you understand that's what you agreed to?

20 THE DEFENDANT: Yes.

21 THE COURT: Has anyone forced you or threatened you to  
22 make you waive your rights or -- your rights to appeal or other  
23 rights?

24 THE DEFENDANT: No.

25 THE COURT: And as I understand it in the agreement,

1 the Government agrees to dismiss Count 2 of the indictment,  
2 Aggravated Identity Theft, and also not to bring additional  
3 criminal charges for the facts described in the indictment.

4 Ms. Zuckerwise, is there anything else?

5 MS. ZUCKERWISE: Nothing else, Your Honor.

6 THE COURT: All right. And Ms. Sharkey, do you know  
7 of any reason why Mr. Garcon should not plead guilty?

8 MS. SHARKEY: I do not, Judge.

9 THE COURT: And do you -- are you aware of any viable  
10 legal defense to the charge?

11 MS. SHARKEY: No.

12 THE COURT: Thank you.

13 Mr. Garcon, do you have any questions you would like  
14 to ask me about your rights, the charge, the agreement, or  
15 anything else before we proceed?

16 THE DEFENDANT: No, Your Honor.

17 THE COURT: All right, are you ready to plea at this  
18 time?

19 THE DEFENDANT: Yes.

20 THE COURT: Mr. Garcon, what is your plea to  
21 committing access device fraud, guilty or not guilty?

22 THE DEFENDANT: Guilty.

23 THE COURT: Are you making this plea of guilty  
24 voluntarily and of your own free will?

25 THE DEFENDANT: Yes.

1           THE COURT: Has anyone threatened or forced you to  
2 plead guilty?

3           THE DEFENDANT: No.

4           THE COURT: Has anyone made any promise to you as to  
5 what your sentence will be?

6           THE DEFENDANT: No.

7           THE COURT: I read a portion of the indictment to you  
8 a few minutes ago. And now I want you to tell me in your own  
9 words what you did between August 2019 and May 2020 to commit  
10 access device fraud?

11           THE DEFENDANT: I agreed to create cards access  
12 device. And second of all, I took and used other people's  
13 credit cards. Within a one-year period, I obtained and things  
14 of value over \$1,000.

15           And I did so knowingly with intent to defraud the  
16 rightful owner. And I understand that affect interstate and  
17 foreign commerce.

18           THE COURT: Okay, and did you have permission from the  
19 owners of the credit cards to use them?

20           THE DEFENDANT: No.

21           THE COURT: Ms. Zuckerwise, is there anything else?

22           MS. ZUCKERWISE: Your Honor, some of this, the  
23 Government would ask if the Defendant would agree that some of  
24 this conduct occurred in Brooklyn and again within the period,  
25 August 2019 through May 2020.

1 THE COURT: Okay.

2 THE DEFENDANT: Yes.

3 THE COURT: Okay, you are in Brooklyn --

4 THE DEFENDANT: Yes.

5 THE COURT: -- when you did these things?

6 THE DEFENDANT: Uh-huh.

7 THE COURT: Okay, and the time period was between  
8 August 2019 and May 2020, is that --

9 THE DEFENDANT: Yes.

10 THE COURT: Okay. Anything else?

11 MS. ZUCKERWISE: Nothing from the Government, Your  
12 Honor.

13 THE COURT: All right, Ms. Sharkey, is there anything  
14 else I need to go over?

15 MS. SHARKEY: No, thank you, Judge.

16 THE COURT: All right, thank you.

17 Mr. Garcon, based on the information that's been given  
18 to me, I find that you're fully competent and capable of  
19 entering an informed plea, that you are acting voluntarily, and  
20 that you fully understand the charge, your rights, and the  
21 consequences of your plea.

22 I also find that there is a factual basis for your  
23 plea. I will therefore recommend that your plea of guilty to  
24 access device fraud be accepted.

25 The next step, Mr. Garcon, is that you'll meet with

1 somebody from the Probation Department, so they can prepare the  
2 Pre-sentence Report that I described.

3 I urge you to cooperate with them obviously with your  
4 lawyer's advice. You must be truthful and forthcoming with  
5 them.

6 Judge Kovner has sent a sentencing for December 13th  
7 at 2:00 p.m. Ms. Zuckerwise, is there anything else?

8 MS. ZUCKERWISE: Not from the Defense, Judge. Thank  
9 you very much.

10 THE COURT: All right, thank you.

11 Ms. Sharkey?

12 MS. SHARKEY: Nothing from the Government, Your Honor.

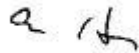
13 THE COURT: Okay, thank you, everybody. And thank  
14 you, Mr. Garcon.

15 (Proceedings concluded at 10:28 a.m.)  
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**CERTIFICATE**

I, Chris Hwang, court approved transcriber, certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.

September 26, 2022

Chris Hwang

Date

Court Reporter